

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

**Petition for Declaratory Ruling That
pulver.com's Free World Dialup
Service is Neither Telecommunications
nor a Telecommunications Service**

WC Docket No. 03-45

**COMMENTS OF GLOBAL CROSSING
NORTH AMERICA, INC.**

Pursuant to the Bureau's Public Notice,¹ Global Crossing North America, Inc. ("Global Crossing") submits these brief comments on the petition of pulver.com seeking confirmation that its Free World Dialup ("FWD") service is not a regulated telecommunications service.²

To the extent that a declaratory ruling is warranted,³ the Commission should grant the petition. However, the Commission should recognize that the FWD application presented by pulver.com is somewhat unique and focus its efforts on resolving the broader issues raised to the AT&T petition.⁴

¹¹ Public Notice, DA 03-349, *Pleading Cycle Established for Comments on pulver.com Petition for Declaratory Ruling*, WC Dkt. 03-45 (Feb. 14, 2003).

² Petition for Declaratory Ruling That pulver.com's Free World Dialup Service Is Neither Telecommunications nor a Telecommunications Service, WC Dkt. 03-45 (Feb. 5, 2003) ("Petition").

³ The Commission may issue a declaratory ruling to "terminate a controversy or remove uncertainty." *See* 47 C.F.R. § 1.2. There does not appear to be any significant controversy raised in the Petition. pulver.com wishes to send a "strong signal to the international community that [FWD] should remain unregulated worldwide." Petition at 1; *see also id.* at 2 ("A ruling that FWD is neither telecommunications nor a telecommunications service eliminates investors' perception of regulatory risk and offers assurances to consumers that FWD, which is free, is completely legal.") Global Crossing leaves it to the Commission's determination whether such statements create an uncertainty or controversy sufficient to warrant a declaratory ruling.

⁴ *id.*

The Petition makes clear